

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS**United States District Court
for the
Eastern District of Arkansas**

APR 24 2014

JAMES W. MACDONALD, CLERK
By: [Signature]
DEP. CLERK**SUPERSEDING PETITION
(Replacing previously filed petition, Docket Entry Number 62)**

Name of Offender: Rodriguez Antonio Wiley

Case Number: 4:06CR00102-02 JM

Name of Sentencing Judicial Officer: Honorable James M. Moody
United States District JudgeHonorable James M. Moody Jr.
United States District Judge
Reassigned March 25, 2014

Original Offense: Aiding and Abetting Possession with Intent to Distribute Cocaine Hydrochloride

Date of Sentence: June 12, 2007

Original Sentence: 60 months Bureau of Prisons, 4 years supervised release, firearms restriction, DNA collection, mandatory drug testing, substance abuse treatment, and \$100 special penalty assessment.

On February 7, 2013, Mr. Wiley's conditions of supervised release were modified to include participation in a residential re-entry center for six months.

On June 6, 2013, Mr. Wiley's term of supervised release was revoked. He was sentenced to four months Bureau of Prisons, one year supervised release, substance abuse treatment and drug testing.

Type of Supervision:	Supervised Release	Date Supervision Commenced: November 6, 2013
		Date Supervision Expires: November 5, 2014

U.S. Probation Officer: McKisha Childers	Asst. U.S. Attorney: Edward O. Walker	Defense Attorney: To be determined
--	---------------------------------------	------------------------------------

PETITIONING THE COURT

- ☒ To deny the Petition (Docket Entry Number 62) as moot and superseded by this Petition.
- ☒ To Issue a Sealed Warrant Pending Execution (cc: U.S. Probation and U.S. Marshal only)
- ☐ To Issue a Summons
- ☐ Other

Prob 12C Superseding

-2-

Name of Offender: Rodriguez Wiley

Case Number: 4:06CR00102-02 JM

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Condition and Number</u>	<u>Nature of Noncompliance</u>
1	General	<p>The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.</p> <p>Mr. Wiley released from the Bureau of Prisons on November 6, 2013. He did not report within 72 hours of release. The U.S. Probation Officer (USPO) made contact with Mr. Wiley on November 13, 2013.</p>
2	Standard (2)	<p>The defendant shall report to the probation officer in a manner and frequency directed by the Court or probation officer.</p> <p>On April 3, 2014, the USPO attempted to make contact with Mr. Wiley by telephone. Mr. Wiley did not return these calls. On April 8, 2014, the USPO attempted to make contact with Mr. Wiley at his home. He was not home and a business card was left. As of this date, Mr. Wiley has not contacted the USPO and his whereabouts are currently unknown.</p>
3	Standard (3)	<p>The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.</p> <p>On February 6, 2014, a Supervisory United States Probation Officer instructed Mr. Wiley to make contact with him on February 7, 2014. Mr. Wiley failed to make contact as directed.</p>
4	Standard (6)	<p>The defendant shall notify the probation officer ten days prior to any change in residence or employment.</p> <p>On a January 2014 monthly report, Mr. Wiley reported to have changed employment. He did not notify the USPO or the U.S. Probation Office ten days prior to changing employment.</p>
5	Standard (7)	<p>The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.</p> <p>On November 18, 2013, Mr. Wiley submitted a urine specimen which tested and confirmed positive for the use of marijuana. Furthermore, on November 18, 2013, Mr. Wiley admitted using marijuana on November 16, 2013, and signed an admission form.</p> <p>On November 22, 2013, Mr. Wiley submitted a urine specimen which tested and confirmed positive for the use of marijuana and synthetic marijuana. Furthermore, Mr. Wiley admitted that he used synthetic marijuana on November 20, 2013.</p> <p>On March 14, 2014, Mr. Wiley admitted to the use of synthetic marijuana on March 9, 2014.</p>

Prob 12C Superseding

-3-

Name of Offender: Rodriguez Wiley

Case Number: 4:06CR00102-02 JM

- 6 Special (1) The defendant shall participate, under the guidance and supervision of the U.S. Probation Office, in a substance abuse treatment program which may include testing, outpatient counseling, and/or residential treatment. Further, the defendant shall abstain from the use of alcohol throughout the course of treatment.**
- On November 20, 2013, Mr. Wiley failed to report for code-a-phone testing.
- On February 5 and 26, 2014, Mr. Wiley failed to report to the Substance Abuse Education Group and subsequently was terminated unsuccessfully from the group.
- On March 7, April 2 and 17, 2014, Mr. Wiley failed to report for code-a-phone testing.

Prob 12C Superseding

-4-

Name of Offender: Rodriguez Wiley

Case Number: 4:06CR00102-02 JM

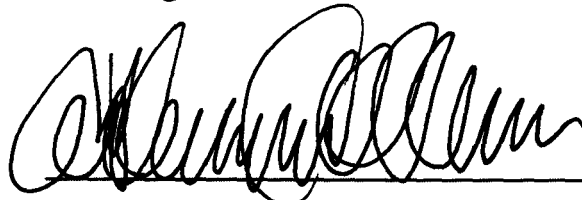
I declare under penalty of perjury that
the foregoing is true and correct.

The U.S. Attorney's Office submits this
petition to be filed with Criminal
Docketing as a motion.



For McKisha Childers
U.S. Probation Officer

Executed on 4-23-14



Edward O. Walker
Assistant U.S. Attorney

Executed on APRIL 24, 2014




Approved by Supervising U.S. Probation Officer

THE COURT ORDERS:

- ☐ No Action
- ☒ The Petition (Docket Entry Number 62) is denied as moot and superseded by this Petition.
- ☐ Other

Considered this 24th day of
April, 2014, 2014 and made a part of the
records in the above case.



James M. Moody Jr.
United States District Judge